

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WARNER BROS. RECORDS INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 05-0388-CV-W-DW
)	
TAMYRA ANDERSON,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiffs' motion for entry of default judgment (Doc. 11). On April 27, 2005, Plaintiffs filed a Complaint alleging six violations of 17 U.S.C. § 101, et seq. Defendant was served the Summons and Complaint on October 24, 2005 and has failed to answer or otherwise respond to the Complaint. The Court has jurisdiction under 17 U.S.C. § 101, et seq.; 28 U.S.C. § 1331; and 28 U.S.C. § 1338(a).

Plaintiffs request that the Court enter default judgment in their favor for the minimum statutory damages, pursuant to 17 U.S.C. § 504(c); permanent injunctive relief, pursuant to 17 U.S.C. § 502(a); and costs, pursuant to 17 U.S.C. § 505. After careful review of the applicable law, the Court finds Plaintiffs entitled to the requested relief. Accordingly, it is hereby ORDERED that:

1. Having been adjudged to be in default, Defendant shall pay minimum statutory damages of Seven Hundred and Fifty Dollars (\$750.00) per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the six sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Four Thousand Five Hundred Dollars (\$4,500.00).
2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Three Hundred and Twenty Two Dollars (\$322.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Atomic Dog," on album "Computer Games," by artist "George Clinton" (SR# 43-549);
- "Love You Down," on album "Long Time Coming," by artist "Ready For the World" (SR# 78-842);
- "Say My Name," on album "The Writing's on the Wall," by artist "Destiny's Child" (SR# 268-936);
- "Sexual Healing," on album "Midnight Love," by artist "Marvin Gaye" (SR# 41-568);
- "Material Girl," on album "Like a Virgin," by artist "Madonna" (SR# 59-442);
- "He Wasn't Man Enough," on album "The Heat," by artist "Toni Braxton" (SR# 287-194);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

IT IS SO ORDERED.

Date: February 6, 2006

/s/ Dean Whipple
Dean Whipple
United States District Court